

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X 12/21/2011  
: 11 MD 2293 (DLC)  
: :  
IN RE: ELECTRONIC BOOKS ANTITRUST : Related to all  
LITIGATION : matters  
: :  
: CASE MANAGEMENT  
: ORDER  
----- X

DENISE COTE, District Judge:

The Court having conducted a pretrial conference on December 20, 2011 to address the motion for appointment of lead counsel in the class actions brought against defendants MacMillan, Inc., Harpercollins Publishers, Penguin Group USA, Inc., Random House Inc., Apple Inc., Hachette Book Group, Simon & Schuster, Amazon.com, Inc., and Barnes & Noble Inc., it is hereby

ORDERED as follows:

I. LEAD PLAINTIFFS' COUNSEL

Hagens Berman LLP and Cohen Milstein Sellers & Toll PLLC shall serve as Co-Lead Counsel for all plaintiffs in this action and the class.

II. CAPTION

Every pleading filed in this action, and in any separate action subsequently included therein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: ELECTRONIC BOOKS  
ANTITRUST LITIGATION

11 MD 2293 (DLC)

III. NEWLY FILED OR TRANSFERRED ACTIONS

1. When a class action that relates to the same subject matter as this action is hereafter filed in or transferred to this Court and assigned to the undersigned, it shall be consolidated with this action (provided that any case transferred to this Court solely for pretrial proceedings shall be consolidated only to that extent absent further order of this Court), and the Clerk of Court shall:
  - a. File a copy of this Order in the separate file for such action.
  - b. Mail a copy of the Order of assignment of counsel for plaintiffs and counsel for each defendant in the consolidated actions.
  - c. Make an appropriate entry in the Docket.
  - d. Mail to the attorneys for the plaintiff(s) in the newly filed or transferred case a copy of this Order.
  - e. Upon the first appearance of any new defendant(s), mail to the attorneys for such defendant(s) in such newly filed or transferred case a copy of this Order.
2. The Clerk shall maintain a separate file for each of the consolidated actions and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by this Order.
3. The Court requests the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any case which might properly be consolidated with this Action.

IV. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

1. This Order shall apply to each class action assigned to the undersigned alleging claims similar to those set forth in this action against defendants MacMillan, Inc., Harpercollins Publishers, Penguin Group USA, Inc., Random House Inc., Apple Inc., Hachette Book Group, Simon & Schuster, Amazon.com, Inc., Barnes & Noble Inc. and others.
2. This Order shall apply to each such case which is subsequently filed in or transferred to this Court, and which is assigned to the undersigned unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the date on which the Clerk mails a copy of this Order to counsel for that party.
3. The provisions of this Order shall apply to such action pending the Court's ruling on the application.
4. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead or otherwise move with respect to that complaint in any such case.
5. If a plaintiff in any such case is permitted to use a separate complaint, each defendant shall have thirty (30) days from the date the Court grants such permission within which to answer, plead or otherwise move with respect to any such complaint.

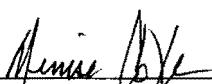
V. SCHEDULE

1. Lead Plaintiff(s) shall file a consolidated amended complaint for this action and any actions subsequently consolidated with it on or before **January 20, 2012**.
2. Pending filing and service of the consolidated amended complaint, defendants shall have no obligation to move, answer, or otherwise respond to any complaints in any actions subsequently consolidated with this action.
3. Defendants shall file their motion(s) to dismiss the amended complaint, if any, on or before **March 2, 2012**.

4. Lead Plaintiff(s) shall file any second consolidated amended complaint by **March 16, 2012**. Lead plaintiff will have no further opportunity to amend.
5. If no second consolidated amended complaint is filed, Lead Plaintiff(s) shall file opposition(s) to the motion(s) to dismiss on or before **March 30, 2012**. Defendants shall file their reply to the opposition(s) to the motion(s) to dismiss on or before **April 13, 2012**.
6. Defendants shall file their motion(s) to dismiss the second consolidated amended complaint, if any, on or before **April 13, 2012**. Lead Plaintiff(s) shall file opposition(s) to any such motion(s) to dismiss on or before **May 11, 2012**. Defendants shall file their reply on or before **May 25, 2012**.
7. The parties shall supply the Court with two courtesy copies of the motion papers at the time they are served.

SO ORDERED:

Dated: New York, New York  
December 21, 2011

  
DENISE COTE

United States District Judge